

**Executive Summary – Enforcement Matter – Case No. 49692**

**City of Normangee**

**RN101916385**

**Docket No. 2014-1751-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Normangee WWTF, located on Caney Creek, east of Farm-to-Market Road 39, approximately 1,800 feet north of County Line Road, Leon County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 11, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,125

**Amount Deferred for Expedited Settlement:** \$2,625

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$500

**Total Due to General Revenue:** \$10,000

Payment Plan: 10 payments of \$1,000 each

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 28, 2014

**Date(s) of NOE(s):** October 28, 2014

**Executive Summary – Enforcement Matter – Case No. 49692**  
**City of Normangee**  
**RN101916385**  
**Docket No. 2014-1751-MWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for total suspended solids, dissolved oxygen, ammonia nitrogen, residual chlorine, *Escherichia coli*, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014787001, Effluent Limitations and Monitoring Requirements Nos. 1, 2a., and 6].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014787001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Caleb Olson, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2541; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Ronnie Meadors, Mayor, City of Normangee, P.O. Box 37, Normangee, Texas 77871

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Nov-2014	<b>Screening</b>	17-Nov-2014	<b>EPA Due</b>	
	<b>PCW</b>	1-Dec-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Normangee		
<b>Reg. Ent. Ref. No.</b>	RN101916385		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49692	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-1751-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christopher Bost
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>
			\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,750
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	50.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$4,375
---------------------------	-------	-------------	--------------------------------	---------

**Notes** Enhancement for five months of self-reported effluent violations and one order without denial of liability.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts \$749  
Estimated Cost of Compliance \$10,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,125
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$13,125
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,125
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,625
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,500
------------------------	----------

Screening Date 17-Nov-2014

Docket No. 2014-1751-MWD-E

PCW

Respondent City of Normangee

Policy Revision 4 (April 2014)

Case ID No. 49692

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101916385

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five months of self-reported effluent violations and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 17-Nov-2014

Docket No. 2014-1751-MWD-E

PCW

Respondent City of Normangee

Policy Revision 4 (April 2014)

Case ID No. 49692

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101916385

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014787001, Effluent Limitations and Monitoring Requirements Nos. 1, 2a., and 6

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on July 28, 2014, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia-nitrogen and carbonaceous biochemical oxygen demand. Escherichia coli, total suspended solids, and dissolved oxygen were also considered. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two monthly events are recommended for the months of March and May 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$749

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

# Economic Benefit Worksheet

Respondent City of Normangee  
Case ID No. 49692  
Reg. Ent. Reference No. RN101916385  
Media Water Quality  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2014	29-Sep-2015	1.50	\$749	n/a	\$749

### Notes for DELAYED costs

Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$749

Screening Date 17-Nov-2014  
Respondent City of Normangee  
Case ID No. 49692  
Reg. Ent. Reference No. RN101916385  
Media [Statute] Water Quality  
Enf. Coordinator Christopher Bost

Docket No. 2014-1751-MWD-E

PCW

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014787001, Effluent Limitations and Monitoring Requirements Nos. 1, and 6

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on July 28, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen was also evaluated. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended for the quarter containing the month of April 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

# Economic Benefit Worksheet

**Respondent** City of Normangee  
**Case ID No.** 49692  
**Reg. Ent. Reference No.** RN101916385  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit for Violation No. 1.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

**TOTAL** \$0



EFFLUENT VIOLATION TABLE							
City of Normangee							
TPDES Permit No. WQ0014787001							
Docket No. 2014-1751-MWD-E							
Months	<i>E. coli</i> Daily Single Grab Conc.	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Daily Avg. Loading	CBOD <sub>5</sub> Daily Avg. Loading	TSS Daily Avg. Loading	Chlorine Residual Minimum Conc.	Dissolved Oxygen Monthly Minimum Conc.
	Limit= 394 CFU/100 mL	Limit= 6 mg/L	Limit= 5 lbs/day	Limit= 25 lbs/day	Limit = 75 lbs/day	Limit = 1.0 mg/L	Limit= 4.0 mg/L
March 2014	1,299.7	13.2	c	c	c	0	3.7
April 2014	c	9.22	c	c	c	c	3.2
May 2014	2,419.6	6.9	10.6	37.7	118.9	c	c

*E. coli* = *Escherichia coli*

NH<sub>3</sub>-N = ammonia-nitrogen

CBOD<sub>5</sub> = carbonaceous biochemical oxygen demand (5-day)

TSS = total suspended solids

conc. = concentration

avg. = average

CFU/100 mL = Colony Forming Units per 100 milliliters

mg/L = milligrams per liter

c = compliant



The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600513501, RN101916385, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600513501, City of Normangee      **Classification:** SATISFACTORY      **Rating:** 36.50

**Regulated Entity:** RN101916385, CITY OF NORMANGEE      **Classification:** SATISFACTORY      **Rating:** 36.50

**Complexity Points:** 4      **Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** On Caney Creek; east of Farm-to-Market Road 39, approximately 1,800 feet north of County Line Road, Leon County, Texas

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0014787001      **WASTEWATER EPA ID** TX0027448  
**WASTEWATER LICENSING LICENSE** WQ0010356001

**Compliance History Period:** September 01, 2009 to August 31, 2014      **Rating Year:** 2014      **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** December 12, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 12, 2009 to December 12, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jacquelyn Green      **Phone:** (512) 239-2587

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 04/07/2013      ADMINORDER 2011-0456-MWD-E      (Findings Order-Agreed Order Without Denial)  
        Classification: Minor  
        Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
                 30 TAC Chapter 305, SubChapter F 305.125(5)  
        Rqmt Prov:Operational Requirements, No. 1 Pg. 9 PERMIT  
        Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
        Classification: Minor  
        Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
                 30 TAC Chapter 305, SubChapter F 305.125(5)  
        Rqmt Prov:Operational Requirements No. 1, Pg. 9 PERMIT  
        Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Other Requirements No. 1, Pg. 23 PERMIT

Description: Failure by the permittee to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operation companies holding a valid license or registration.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov:Monit. & Report. Reqs. No. 1 PERMIT

Description: Failure to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2010, September 30, 2010, October 31, 2010, and November 30, 2010, by the 20th day of the following month.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:Sludge Provisions PERMIT

Description: Failure to submit the annual sludge report for the monitoring period ending July 31, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:Monitoring and Reporting Req. No. 1 PERMIT

Description: Failure to submit a complete DMR for the monitoring period ending January 31, 2010.

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

## **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 30, 2009	(807808)	Item 16	March 14, 2013	(1089714)
Item 2	October 06, 2011	(965738)	Item 17	April 18, 2013	(1096110)
Item 3	January 11, 2012	(998377)	Item 18	May 16, 2013	(1107055)
Item 4	February 10, 2012	(998376)	Item 19	June 19, 2013	(1110707)
Item 5	March 08, 2012	(1003900)	Item 20	July 18, 2013	(1117589)
Item 6	May 16, 2012	(1016851)	Item 21	August 16, 2013	(1125371)
Item 7	June 18, 2012	(1024587)	Item 22	September 16, 2013	(1129945)
Item 8	July 17, 2012	(1031968)	Item 23	October 14, 2013	(1135695)
Item 9	August 14, 2012	(1038395)	Item 24	November 19, 2013	(1141085)
Item 10	September 12, 2012	(1047121)	Item 25	December 17, 2013	(1147551)
Item 11	October 10, 2012	(1062526)	Item 26	January 17, 2014	(1153610)
Item 12	November 16, 2012	(1062527)	Item 27	February 20, 2014	(1160939)
Item 13	December 13, 2012	(1062528)	Item 28	March 19, 2014	(1167599)
Item 14	January 16, 2013	(1079832)			
Item 15	February 12, 2013	(1079831)			

## **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	03/31/2014	(1174717)	CN600513501
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

2	<p>Date: 04/30/2014 (1180917) CN600513501</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
3	<p>Date: 05/31/2014 (1187821) CN600513501</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
4	<p>Date: 07/31/2014 (1199233) CN600513501</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
5	<p>Date: 08/31/2014 (1206210) CN600513501</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF NORMANGEE  
RN101916385**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-1751-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Normangee ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on Caney Creek, east of Farm-to-Market Road 39, approximately 1,800 feet north of County Line Road, in Leon County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 2, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Dollars (\$500) of the administrative penalty and Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Dollars (\$10,000) of the administrative penalty shall be payable in 10 monthly payments of One Thousand Dollars (\$1,000) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014787001, Effluent Limitations and Monitoring Requirements Nos. 1, 2a., and 6, as documented during a record review conducted on July 28, 2014, and shown in the table below:



EFFLUENT VIOLATION TABLE							
Months	<i>E. coli</i> Daily Single Grab Conc.	NH <sub>3</sub> -N Daily Avg. Conc.	NH <sub>3</sub> -N Daily Avg. Loading	CBOD <sub>5</sub> Daily Avg. Loading	TSS Daily Avg. Loading	Chlorine Residual Minimum Conc.	Dissolved Oxygen Monthly Minimum Conc.
	Limit= 394 CFU/100 mL	Limit= 6 mg/L	Limit= 5 lbs/day	Limit= 25 lbs/day	Limit = 75 lbs/day	Limit = 1.0 mg/L	Limit= 4.0 mg/L
March 2014	1,299.7	13.2	c	c	c	0	3.7
April 2014	c	9.22	c	c	c	c	3.2
May 2014	2,419.6	6.9	10.6	37.7	118.9	c	c

*E. coli* = *Escherichia coli*

NH<sub>3</sub>-N = ammonia-nitrogen

CBOD<sub>5</sub> = carbonaceous biochemical oxygen demand (5-day)

TSS = total suspended solids

conc. = concentration

avg. = average

CFU/100 mL = Colony Forming Units per 100 milliliters

mg/L = milligrams per liter

c = compliant

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Normangee, Docket No. 2014-1751-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014787001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

*Pam Monroe*  
For the Executive Director

5/26/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Ronnie Meadows*  
Signature

01-04-2016  
Date

*Ronnie Meadows*  
Name (Printed or typed)  
Authorized Representative of  
City of Normangee

01-04-2016  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.